

MEMORIAL 0393

Under clause 3 of Rule XII, a memorial of the following title was presented, as follows:

By the Speaker: A memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 212 memorializing the Federal Government to conduct a thorough evaluation of the condition of the 187-acre property situated in Waikane Valley that was used by the United States Marine Corps for ordnance training until 1976, plan for and conduct as thorough a clean-up and removal of ordnance as is technologically possible, conduct an environmental assessment of the potential risk to human health and safety, and return the land to the State of Hawaii.

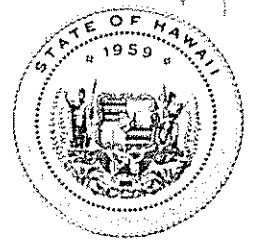
Referred to the Committee on Armed Services. July 19, 2004.

ROBERT BUNDA
PRESIDENT
DOMINA MERCADO KIM
VICE PRESIDENT
COLLEEN HANABUSA
MAJORITY LEADER
CAL KAWAMOTO
MAJORITY FLOOR LEADER
SHAN S. TSUTSUI
MAJORITY CAUCUS LEADER
FRED HEMMINGS
MINORITY LEADER
BOB HOGUE
MINORITY FLOOR LEADER
PAUL WHALEN
MINORITY POLICY LEADER

The Senate
The Twenty-Second Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813

May 10, 2004



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709725

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CHIEF CLERK
PAUL T. KAWAGUCHI

The Honorable J. Dennis Hastert
Speaker of the House
United States House of Representatives
235 Cannon House Office Bldg.
Washington, D.C. 20515

Dear Speaker Hastert:

I transmit herewith a copy of Senate Concurrent Resolution No. 212, which was adopted by the Senate and the House of Representatives of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004.

Sincerely,

Paul T. Kawaguchi
Chief Clerk
Hawaii State Senate

RECEIVED
MAY 28 AM 10:17
SPEAKER'S ROOMS
U.S. HOUSE OF REPS.

MAR 24 2004

S.C.R. NO. 212

SENATE CONCURRENT RESOLUTION

REQUESTING THE FEDERAL GOVERNMENT TO CONDUCT A THOROUGH
EVALUATION OF THE CONDITION OF THE 187-ACRE PROPERTY
SITUATED IN WAIKANE VALLEY THAT WAS USED BY THE UNITED
STATES MARINE CORPS FOR ORDNANCE TRAINING UNTIL 1976, PLAN
FOR AND CONDUCT AS THOROUGH A CLEAN-UP AND REMOVAL OF
ORDNANCE AS IS TECHNOLOGICALLY POSSIBLE, CONDUCT AN
ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL RISK TO HUMAN
HEALTH AND SAFETY, AND RETURN THE LAND TO THE STATE OF
HAWAII.

1 WHEREAS, Waikane Valley contains undeveloped land in the
2 ahupuaa of Waikane on Oahu's windward side; and
3

4 WHEREAS, 33 years ago, the United States Marine Corps
5 obtained 187 acres in Waikane Valley, commonly referred to as
6 the "Waikane Training Area," for military jungle and live
7 ordnance training; and
8

9 WHEREAS, the United States Marine Corps has announced its
10 intention to close the Waikane Training Area, but as recently as
11 last year, the United States Marine Corps has sought to use
12 Waikane Valley for more military jungle training; and
13

14 WHEREAS, ironically, Waikane Valley was abandoned as a
15 training site by the United States Marine Corps because of
16 safety concerns over the use of high explosive anti-tank and
17 bazooka rounds used in the past and the insufficient data to
18 determine the exact number of ammunition rounds fired in the
19 valley; and
20

21 WHEREAS, the United States Marine Corps originally obtained
22 the right to use the Waikane Training Area by a lease from the
23 McCandless Estate and Waiahole Water Company in 1953 and
24 subsequently by a lease from the same parties and the heirs of
25 John Kamaka; and
26



1 WHEREAS, the Kamaka heirs acquired title to the Waikane
2 Training Area by quitclaim deed in June of 1972 and terminated
3 the lease with the United States Marine Corps in 1976; and
4

5 WHEREAS, between 1976 and 1993, the United States Marine
6 Corps conducted several investigations and ordnance removal
7 efforts on the property and concluded that the Waikane Training
8 Area could never be certified as being clear of ordnance; and
9

10 WHEREAS, the United States Navy and Marine Corps acquired
11 title to the Waikane Training Area in 1993 by condemnation as a
12 means to address the problem of not being able to fulfill their
13 lease obligations to return the property to the Kamaka heirs in
14 an ordnance-free and safe condition; and
15

16 WHEREAS, land in Hawaii, and particularly agricultural and
17 conservation land, is Hawaii's most precious and limited
18 resource; and
19

20 WHEREAS, Waikane Valley has served historically as
21 important agricultural area for the island of Oahu and contains
22 precious archaeological and historic sites; and
23

24 WHEREAS, regardless of the 1993 condemnation, members of
25 the Waikane community believe that the United States Marine
26 Corps should live up to their commitment of cleaning up the
27 land, and they have expressed their desire to have the Waikane
28 Training Area restored to a condition that will permit them to
29 return to the aina and engage in farming and other agricultural
30 activities that would be appropriate based on the condition of
31 the remediated property; and
32

33 WHEREAS, the federal government and military have
34 previously demonstrated their will and capacity to honor their
35 obligations to remediate and restore other equally or more
36 severely contaminated installations upon closure under the
37 Formerly Used Defense Site Program, Defense Environmental
38 Restoration Program, Installation Restoration Program, other
39 Department of Defense initiatives and programs, and with special
40 appropriations from Congress; and
41

42 WHEREAS, the current official position of United States
43 Department of Defense is that no ordnance-contaminated site can
44 ever be certified as being clear of unexploded ordnance; and



1
2 WHEREAS, based on the inability to certify the Waikane
3 Training Area as being clear of unexploded ordnance, the United
4 States Navy and Marine Corps are considering permanent closure
5 of the property to the general public by erecting a security
6 fence around the area; and
7

8 WHEREAS, the permanent closure of the Waikane Training Area
9 would be a devastating loss of precious agricultural,
10 historical, cultural, and natural resources to Hawaii; and
11

12 WHEREAS, with sufficient funding from existing restoration
13 programs or special appropriations from Congress, or both, the
14 United States Navy and Marine Corps have the means to clean-up
15 the Waikane Training Area to a condition that is reasonably safe
16 for certain restricted uses, provided long-term monitoring and
17 guidelines are established; now, therefore,
18

19 BE IT RESOLVED by the Senate of the Twenty-Second
20 Legislature of the State of Hawaii, Regular Session of 2004, the
21 House of Representatives concurring, that the federal government
22 is requested to conduct a thorough evaluation of the condition
23 of the Waikane Training Area, particularly with regard to
24 environmental and ordnance-related hazards that exist on the
25 property; and
26

27 BE IT FURTHER RESOLVED that the federal government is
28 requested to plan for and conduct as thorough a clean-up of the
29 Waikane Training Area as is technologically possible, including
30 the remediation or removal of all environmental hazards and
31 contamination and removal of all practice and live ordnance; and
32

33 BE IT FURTHER RESOLVED that the federal government is
34 requested to conduct a post-clean-up environmental assessment of
35 the Waikane Training Area evaluating the potential risks to
36 human health and safety, for the purpose of determining the
37 types of uses and activities that could appropriately be
38 conducted on the property with minimal risk to potential users
39 and the community at large; and
40

41 BE IT FURTHER RESOLVED that the federal government is
42 requested to return the Waikane Training Area to the State of
43 Hawaii upon completion of the clean-up; and
44



1 BE IT FURTHER RESOLVED that the federal government is
2 requested to appropriate sufficient funds to plan for,
3 implement, and complete the rehabilitation and transfer of the
4 Waikane Training Area; and

5
6 BE IT FURTHER RESOLVED that the members of Hawaii's
7 congressional delegation are requested to assist in seeking and
8 obtaining the relief sought above; and

9
10 BE IT FURTHER RESOLVED that certified copies of this
11 Concurrent Resolution be transmitted to President of the United
12 States, President of the United States Senate, Speaker of the
13 United States House of Representatives, members of Hawaii's
14 congressional delegation, the Commandant of the Marine Corps,
15 and the Secretary of the Navy.
16
17
18

OFFERED BY:

W. Nodhi AdunjiWillie EnoroAmil Y. IgeGale L. Li

I hereby certify that the foregoing is a true
and correct copy of Senate Concurrent Resolution
No. 212, which was duly adopted by the Senate
of the State of Hawaii on April 16, 2004,
with the concurrence of the House of Representatives
Dated: May 10, 2004



Assistant Clerk of the Senate

